Gervais-Pinball Defendants Tapes Heard in Bribe Trial

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Recordings Attempt to Show Payoff Ties

By JOHN McMILLAN and DON HUGHES

The prosecution in the federal bribery - conspiracy trial of Dist. Atty. Jim Garrison and two local pinball operators played several tape-recorded conversations Tuesday between government informant Pershing Gervais and two of the defendants, in an apparent effort to prove that the two still were involved in the gambling payoff scheme in late 1970 and early 1971.

The tapes were introduced as the trial of Garrison; Robert E. Nims, owner of REN Enterprises, and John Aruns Callery, formerly a partner in New Orleans Novelty Co., entered its third week in the court of Federal District Judge Herbert W. Christenberry.

The prosecution, headed by U. S. Atty. Gerald J. Gallinghouse, also called to the stand special agents of

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the Internal Revenue Service who were assigned during parts of 1970 and 1971 to operate recording and telephone taps in rooms adjacent to ones being used by Gervais at the Fontainebleau Motor Hotel.

The IRS agents testified that the recordings played in court were accurate reproductions of the conversations they had taped more than two years ago.

The government is alleging that Garrison, Nims, Callery and seven others, including two police officers and five other pinball operators, conspired to obstruct justice by either paying or accepting bribes in connection with illegal pinball gambling payoffs.

In one conversation between Gervais and Callery, recorded Dec. 11, 1970, Callery had just told Gervais that Louis Boasberg, another partner in New Orleans Novelty who has since pleaded guilty, wanted to meet with Gervais for breakfast at the Union Passenger Terminal.

A portion of that taped conversation follows:

Gervais: "Well, tell him that if he, that I ain't going to meet him in the street nowhere. If he wants to talk to me, he's got to come here (Fontainebleau). Why should I change?"

Callery: "And I'll, I'll tell him . . ."

Gervais: "Why should I change? Tell him this . . ."

Callery: ". . .you had a call."

Gervais: "Tell him this, and it's true, why should I change? To change my pattern is a tip-off. I talk to every living . . . human being in the world here. . . ."

Callery: "This is true."

Gervais: "Priests, doctors, whores, dope fiends, judges, everybody I talk to here."

Callery: "That's right."

Gervais: "So the minute I, I'm going to go sneaking around some back . . .place to meet him . . ."

Callery: "Yeah, when you, when you start going out in other places . . ."

Gervais: "Oh, I that's a, that's a — I'd stick out like a sore thumb . . . I never realized how much of a sore thumb I am, you know, I went in that Baptist Hospital. You know, them . . .people, I got a report last night again, they, they thought I was a celebrity over there. They were all coming, you know, like two or three at a time to look at me."

In many of the taped conversations played earlier in the trial, Gervais, a former investigator in Garrison's office, has implied or flatly stated that he was delivering bribe money to Garrison that he had received from various pinball operators.

During a later part of the same Dec. 11, 1970, conversation, Gervais made yet another reference to bringing the DA bribe money, and was specifically discussing Boasberg's not having paid his portion since August of that year and the possibility that Boasberg soon would be offering a reduced amount.

Gervais: "You see, if it's short money. You know Garrison's been too used to big money."

Callery: "That's right."

Gervais: "If it's short money, what I might do, and I don't know yet, you see, Garrison's kind of hoggish, about money, you know, he's a little hoggish. I was going to say, I would go to him and say, listen, how about letting me get this, you know, but he ain't that kind of . . .(profanity)."

Another segment of the same Gervais-Callery talk went as follows:

Callery: "I said (to Boasberg), if you want to take care, take care of them out of your capital. You got a — you a millionaire. So I said, if you want to close the business up, but if you want to stay in this business you have got to, there's no way you can stay in it without, uh, without, uh. . ."

HAROLD GIARRUSSO APPEARS BEFORE JURY

Harold "Hap" Giarrusso, brother of former Police Supt. Joseph I. Giarrusso, appeared before the federal grand jury Tuesday for about one hour.

He had been identified during the trial of Dist. Atty. Jim Garrison and two others as the courier who delivered $5000 quarterly payments to the former police superintendent.

Lawrence L. Lagarde Sr., a partner in TAC Amusement Company, testified at the trial that he made payments totaling $30,000 to the former superintendent between 1968 and 1970.

John Elms Jr., another TAC partner, testified that "Hap" Giarrusso was the courier.

Attorneys Edward M. Baldwin and Milton E. Brener accompanied "Hap" Giarrusso to the grand jury.

The former police superintendent is scheduled to appear before the grand jury Sept. 13.

Gervais: "Without taking care of people."

Callery: "Without taking care of people, there's no way."

Gervais: "He's. . ."

Callery: "I said what do you expect? Do you expect Garrison to take all this heat in a time like this? This is, this is worse now than it's ever been. I said, you are lucky to be on the . . . street. Why should Garrison take any heat now?"

Gervais: "Cause you know what he told Freddie? He told Freddie that he told everybody to quit paying off." Freddie was in reference to then police Capt. Frederick Soule Sr., who testified last week that he had received some $63,000 in bribe money between 1963 and 1971, and admitted bringing Sgt. Robert Frey, vice squad commander, into the bribery scheme. Frey, also testified last week about his role in the payoffs. Both Soule and Frey have pleaded guilty.

The 10 figures indicted in the federal crackdown, all of whom were arrested on June 30, 1971, also include Harby Marks Jr., an employee of Boasberg's; John Elms Jr. and Lawrence Lagarde Sr., both partners in TAC Amusement Co., and John Elmo Pierce, owner of Pierce Amusement Co.

All but Garrison, Callery and Nims either have pleaded guilty or have been severed from the current case.

The name of former East Baton Rouge Dist. Atty. Sargent Pitcher was mentioned Tuesday for the first time in the trial.

It came out in a conversation between Callery and Gervais recorded Dec. 2, 1970.

Callery: "He wants to call it off. It looks to me, I tell you right now, maybe the Sarge ought to let it die. I don't see where — I think Sargent's got him now."

Gervais: "Yeah, but Sargent's a panicky kind of a guy."

Callery: "Yeah, but if you'll notice, if you'll notice that the last damn thing there, uh, uh. Daniels refused to answer. At the last, at the last, at the last time they met. He said it was, it was Sargent Pitcher's show. He said he couldn't answer then but he thought, remember Pitcher brought that thing out about the record that he had . . ."

Later Callery said: "I think, I think what they've, I think that Sargent, that he won that round. And maybe he ought to let it die. Because if he keeps it going, it's only going to worsen the picture for him."

Callery also discussed a grand jury investigation with Gervais.

Callery: "I'm not too concerned about political contributions. The only thing that might get into the, uh, as you know, through the year I give a lot of football tickets away. . . ."

On Dec. 9, 1971, special agents of the Internal Revenue Service recorded a conversation between Nims and Gervais. Nims is complaining about having his pinball machines picked up by federal agents for failure to register with the Justice Department. "They destroyed me," he said.

Discussing a grand jury investigation, Nims says, "Well, what does our big friend think about all of this . . .?"

Gervais: "Who's that?"

Nims: "Huh?"

Gervais: "Who's that?"

Nims: "Jim."

Gervais: "Oh, Garrison, oh, to be honest with you I haven't talked to him yet. Only because I haven't got enough intelligence from your side of the fence."

Gervais said Garrison is going to want to know whether the pinball distributors are going to stay in business.

Gervais: "But of course, when I tell him the sugar is gone."

Nims: "Right."

Gervais: "He is going to miss that."

Nims: "That's a . . . shame, boy. A . . . letter and the trouble is just like you say. If we get the machines back you understand. . . ."

Nims was obviously angered by the federal raids which took most of his machines in November of 1970. He told Gervais:

"I'll tell you, I think that, the thing that disturbs me is this. Somebody up there in that . . . Washington. Whether it's the head of the . . . Justice Department on racketeers or some . . . thing has got me down and anybody that owns and operates pinball machines down as a . . ."

Gervais: "Hoodlum."

Nims: "Racketeer, organized . . . crime and an enemy of the United States of America."

Nims concludes that he is going to get out of the pinball business.

The tape recorded conversations were identified by intelligence agents of the Internal Revenue Service, Joel LaNoux, Gene Burleson and James Gann, who made the recordings.

LaNoux said the conversations were recorded at the Fontainebleau Motor Hotel, with the exception of several which were transmitted from Garrison's house.

LaNoux said the conversations at the hotel were recorded by a telephone device and with a transmitter placed in the room with Gervais. At one time they placed a bug in the hotel wall.

Agents were in the next room, simultaneously recording and monitoring the conversations, plus taking notes, LaNoux said.

When Garrison was recorded, he said, a mobile unit was affixed to Gervais' body and recorded the conversations by agents stationed some distance away.

He said the recordings were made between Nov. 16, 1970, and June 30, 1971. The tapes were then taken to Dallas, Tex. for safe keeping and eventually transferred to the Michigan State Police laboratory in East Lansing for voice identification tests.

It was brought out on cross-examination by Fred Barnett, one of Garrison's attorneys, that every conversation Gervais had was not recorded. Agents said they did not record personal and social conversations Gervais had.

Because of a death in the family of one of the jurors, the trial will be in recess Wednesday to allow the juror to attend the funeral. The trial will resume at 10 a.m. Thursday.